

JURISDICTION:
General Reference:

ALABAMA
Code of Alabama

Required Use of Safety Belts¹:

Requirements:

An operator or front seat passenger of a "passenger car" (i.e., a motor vehicle designed to carry ≤10 persons but does not include motorcycles or trailers) shall have a safety belt properly fastened about their body any time the vehicle is in motion.² §§32-5B-2 & 32-5B-4(a)

Enforcement. "A law enforcement officer may not search or inspect a motor vehicle, its content, the driver or a passenger solely because of a violation" of this requirement. §4 of Public Act 397 (1999) In addition, under a separate statute, a violation of this requirement does not constitute probable cause to search a vehicle. §32-5B-5

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Misdemeanor: A fine of not more than **\$25**. §32-5B-5 Note: A violation of this requirement is not to be entered on the driving record of the vehicle operator.³ §§32-5A-8(a) & 32-5B-7 No court costs can be assessed for a violation of this requirement. §3 of Public Act 397 (1999)

Effect on Civil Liability:

Failure to wear a safety belt shall not be considered as evidence of contributory negligence and shall not limit the liability of an insurer. §32-5B-7

Required Use of Child Safety Restraint Systems⁴:

Requirements:

Every person, who is transporting a child <6 years old in a motor vehicle that is registered in this State, shall properly restrain such child

Required Use of Child Safety Restraint Systems:
(continued)

¹**Exemptions.** Vehicle operators or passengers are exempt from the safety belt use requirement in the following circumstances: (1) Children, who are required to a child passenger restraint system; (2) persons, who for medical reasons, are unable to use a safety belt; (3) rural letter carriers while on office duty with the U.S. Postal Service; (4) a person (driver or passenger) who is delivering newspapers or mail; (5) passengers riding in vehicles with a model year prior to 1965; and, (6) passengers riding in motor vehicles which normally operate in reverse. §32-5B-4(b)

²Under separate provisions of law, a person must wear a safety belt when operating a school bus while transporting children. Failure to use a safety belt is *prima facie* evidence of nonfeasance of duty and subjects the driver to dismissal. In addition, if pupil transportation services are being provided for under a contract with a private firm, such a failure shall constitute a breach of contract by the private contractor. §16-27-6

³No points are to be assessed for a violation of this requirement. Regulation 760-X-.07 and UTC Offense Codes Note: Despite the fact that (1) no points can be assessed and (2) the law does not specifically authorize licensing action for such a violation, an offender may still be subject to licensing action. Under general provisions of the law, the courts are authorized to issue an order that forbids a person, who has been convicted of a traffic offense, from operating a motor vehicle for either an established period of time or perpetually. §32-5-316

⁴A bicycle passenger, who either weights <40 lbs. or who is <40 inches in height, must be properly seated in and adequately secured in a restraining seat by the bicycle operator. §32-5A-283(2) Note: For offenders, who are <16 years old, the sanctions for this offense appear to be the same as for failure to use a bicycle safety helmet under §32-5A-285. However, the law is not clear as to the sanctions that could be imposed on offenders who are ≥16 years old. It may well be that the general penalty provisions for misdemeanor offenses under the vehicle code, §32-5A-8, apply. These sanctions are listed under the section that provides penalties for failure to use protective motorcycle headgear.

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Requirements: (continued)

in a child passenger restraint system that meets Federal standards.⁵ §32-5-222(a)

Note: This requirement does not apply to trucks or buses weighing ≥1 ton. §32-5-222(a)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Misdemeanor: A fine of not more than **\$10**.³ §§32-5-222(c) & 32-5A-8(a)

Effect on Civil Liability:

I. In no event shall the failure to wear a child passenger restraint system by considered as contributory negligence. §32-5-222(a)

II. This law, §32-5-222, does not create a duty or standard of care, right or liability between a parent and a child. §32-5-222(b)

Required Use of Motorcycle Protective Headgear:

Requirements:

No person shall operate or ride upon a motorcycle or motor-driven cycle unless they are wearing protective headgear that complies with State law.⁶ §§32-5A-245 & 32-12-41

Sanctions for Failure to Use:

I. Misdemeanor: 1st offense-Imprisonment for not more than **10 days** and/or a fine of not more than **\$100** 2nd offense (within one year)-Imprisonment for not more than **30 days** and/or a fine of not more than **\$200** 3rd or subsequent offense (within one year)-Imprisonment for not more than **3 months** and/or a fine of not more than **\$500** §32-5A-8(a) & (b)

II. Even though the law does not specifically authorize licensing action for this offense, an offender may be subject to such action. In general, for a traffic law violation, the courts are authorized to issue an order that forbids a person from operating a motor vehicle for either an established period of time or perpetually. §32-5-316

III. A person's driving record is assessed 2 points for a violation of this requirement. §32-5A-195, Regulation 760-X-.07 and UTC Offense Codes

Required Use of Motorcycle Eye Protection Device:

Requirements:

None There are no specific requirements. However, this topic is generally covered above under the use of protective headgear.

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear:

Requirements:

A person <16 years old, who operates or rides on a bicycle, must wear a protective bicycle helmet. §32-5A-283(1)

⁵For children who are 4 or 5 years old, a "child passenger restraint system" that meets Federal standards is defined by statute to include seat belts that have been installed in the motor vehicle. §32-5-222(a)

⁶This requirement does not apply to persons who are riding in an enclosed cab. §32-5A-245(c)

Sanctions for Failure to Use:

1st offense-A police officer shall (1) counsel and provide the offender with written information on bicycle helmet safety and (2) instruct the offender to deliver the information to a parent. §32-5A-285(1)

2nd offense-A police officer shall counsel and provide the offender with written information on bicycle helmet safety. In addition, a warning citation shall be issued to the offender who is to give such citation to his/her parent. The citation instructs the parent (or guardian) to contact the police for information about the bicycle helmet law and where to obtain a bicycle safety helmet. §32-5A-285(2)

3rd offense-A police officer shall counsel the offender, confiscate the bicycle and take the offender to their residence. A warning citation shall be issued to either the parent or guardian. If such person is not available, the citation shall be left at the residence with instructions to pick up the bicycle at the police station. §32-5A-285(3)

4th offense-The bicycle shall be confiscated and the offender taken to their residence. A parent or guardian is subject to a fine of **\$50**.⁷ There are no court costs or fees for this offense. §32-5A-285(4)

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

None

Sanctions for a Violation:

Exemptions:

⁷The fine or penalty is waived or suspended if the operator or passenger presents proof of purchase of a bicycle safety helmet along with an intention of using such device. §32-5A-285(4) Note: Fines collected for this offense are only to be used to fund local school system safety education programs or the purchase of bicycle helmets for persons who are financially disadvantaged. §32-5A-285(5)

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